

A-6285 (a & b) (Special Permit Request)

- a) Replace a portion of a gravel driveway with a paver driveway that would measure a maximum of twenty-six (26) feet in width and thirty (30) feet in length in front of the two-car garage in the north yard of the property; and
- b) Replace a gravel driveway with a paver driveway that measures a maximum of twenty-six (26) feet in width in the Cedar Parkway public right-of-way.

Ms. Minh Le & Mr. Chris Dymond
3933 Oliver Street

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MARCH 18, 2013 MEETING
STAFF INFORMATION REPORT**

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 3/14/2013
SUBJECT: HEARING OF APPEAL CASE NO. A-6285 (A & B) SPECIAL PERMIT REQUESTS
MS. MINHLE & MR. CHRIS DYMOND 3933 OLIVER STREET TO:
A) REPLACE A PORTION OF A GRAVEL DRIVEWAY WITH A PAVER DRIVEWAY THAT WOULD MEASURE A MAXIMUM OF TWENTY-SIX (26) FEET IN WIDTH AND THIRTY (30) FEET IN LENGTH IN FRONT OF THE TWO-CAR GARAGE IN THE NORTH YARD OF THE PROPERTY; AND
B) REPLACE A GRAVEL DRIVEWAY WITH A PAVER DRIVEWAY THAT WOULD MEASURE A MAXIMUM OF TWENTY-SIX (26) FEET IN WIDTH IN THE CEDAR PARK WAY PUBLIC RIGHT-OF-WAY.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

The Chevy Chase Village Code § Sec. 8-30 (a) states:

Any portion of a private driveway which crosses the public right-of-way may not exceed ten (10) feet in width without a special permit from the Board of Managers, except that the apron where the driveway connects with the street shall be allowed a five-foot radius on each side of the driveway for a total entrance at the curbside not to exceed twenty (20) feet in width.

APPLICABLE COVENANTS:

None; covenants are not required for Special Permits authorized by Article IV and Section 8-26 of the Village Code.

FACTUAL AND BACKGROUND INFORMATION:

The property is located on the northeast corner of Oliver Street and Cedar Parkway.

The proposed work is part of a larger renovation project ongoing at the property which includes a rear addition, reconstructed patio, and landscaping.



Figure 1: View of 3933 Oliver Street looking north from Cedar Parkway.

The Applicants propose to replace the driveway in the same location. They propose to remove the existing gravel and replace it with pavers. They are not replacing the apron at the curb.

Case a); driveways on private property:

The current garage apron is eighteen (18') wide at the face of the garage entrance which, for a length of twenty (20) feet forward of the face of the garage, would be compliant with the Village Code (see diagram enclosed).

At a point five feet, six inches (5'-6") forward of the face of the garage, the garage apron widens to twenty-six (26) feet in width and thus exceeds the width of the garage entrance by eight (8) feet.

The overall length of the driveway from the garage to the property line is thirty (30) feet. Five feet six inches (5'-6") of this length is compliant; twenty-four feet, six inches (24'-6") of this length is wider than allowed by Code.

Case b); driveways in the public right-of-way:

The entire portion of the driveway that is in the right-of-way exceeds the allowable width for a driveway in that location by sixteen (16) feet.

The Village arborist has assessed the property for tree protection measures for the proposed project. There are no tree impact concerns related to the proposed work.

To date there have been no letters received from abutting and confronting neighbors regarding the requests.

Applicable Fees: Special Permit Fee: \$150.00; Building Permit Application for Driveways and Features at Grade: \$30. Total: \$180.00

RELEVANT PRECEDENTS

Many of the precedents related to driveway special permit requests involve requests for circular driveways (which have more than one pair of curb cuts), requests for "turnarounds", or requests for aprons wider than allowed in front of two-car garages, none of which are applicable in this case. This request does not involve a new or additional curb cut. The most relevant precedents therefore are as follows: On June 13, 1994 Mr. & Mrs. David Winstead of 5505 Kirkside Drive were granted permission to **construct** a parking pad measuring eleven (11) by seventeen (17) feet. On September 11, 1995 Mr. Brian Smith & Ms. Donna Holverson of 35 West Lenox Street **failed** to obtain permission for a "carriage court" measuring twenty (20) feet by twenty (20) feet. On November 9, 1999, Ms. Susan Gallagher and Mr. Michael Williams of 21 East Melrose Street were granted permission to **expand** an existing driveway an additional fifteen (15) feet, increasing the total width of the driveway to forty-five (45) feet at the property line. (This was to allow parking adjacent to a garage on Brookville Road. An existing driveway in the west side yard of the property was removed as part of the project). In September 2010, Mr. & Mrs. Stephen C. Conley of 9 West Lenox Street were granted a special permit to **replace and expand** an existing gravel driveway with a paver driveway. The apron and turnaround area are located on private property and would have a maximum width of fifty-four (54) feet. On July 11, 2011, Laura Billings and David O'Neil of 5803 Kirkside Drive were granted permission to **replace** an existing concrete driveway with a brick driveway that measures a maximum of sixteen (16) feet in width in the Kirkside Drive public right-of-way and to **replace** an existing concrete driveway with a brick driveway that measures a maximum of twenty (20) feet in width on private property. On June 9, 2012 Mr. & Mrs. Alvin Schall of 103 Grafton Street were granted permission to **widen** an existing driveway to a maximum width of sixteen (16) feet. On October 8, 2012 Ms. Nancy Orvis and Mr. Michael Fistere of 12 West Irving Street were granted permission to **replace** an existing concrete driveway, the garage apron of which measures a maximum of twenty-three feet, seven inches (23'-7") in width. On November 13, 2012, Mr. & Mrs. Evgeny Bakhtin of 204 Primrose Street were granted permission to **maintain** a concrete garage apron that was widened and that measures twenty-seven feet, four inches (27'-4") in width, exceeding the width of the garage itself, in the rear yard of the property. On November 13, 2012, Mr. & Mrs. Steven Sprenger, 5501 Park Street were granted permission to **widen** an existing concrete driveway that would measure a maximum of twenty (20) feet in width in the front (south) yard of the property. On February 11, 2013 Mr. & Mrs. Alex Sternhell were granted permission to **replace** a concrete driveway with a paver driver in the same location which exceeded the allowable length for a garage apron.

FINDINGS REQUIRED:

1. That the proposed special permit is authorized by the Village building regulations.
2. That the proposed special permit will not adversely affect the public health, safety or welfare nor the reasonable use of the adjoining properties.
3. That the proposed special permit can be granted without substantial impairment of the purpose and intent of the Village building regulations.
4. That the structure authorized by the proposed special permit would not violate the covenants applicable to the subject property.

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6285(a), replacement of the driveway on private property, based on the findings that...

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6285(b), replacement of the driveway in the public right-of-way, based on the findings that...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 18th day of March, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6285 (a & b)
MS. MINH LE & MR. CHRIS DYMOND
3933 OLIVER STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a special permit from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to:

- a) Replace a portion of a gravel driveway with a paver driveway that would measure a maximum of twenty-six (26) feet in width and thirty (30) feet in length in front of the two-car garage in the north yard of the property; and
- b) Replace a gravel driveway with a paver driveway that measures a maximum of twenty-six (26) feet in width in the Cedar Parkway public right-of-way.

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

The Chevy Chase Village Code § Sec. 8-30 (a) states:

Any portion of a private driveway which crosses the public right-of-way may not exceed ten (10) feet in width without a special permit from the Board of Managers, except that the apron where the driveway connects with the street shall be allowed a five-foot radius on each side of the driveway for a total entrance at the curbside not to exceed twenty (20) feet in width.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 7th day of March, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEALS A-6285 (A&B)

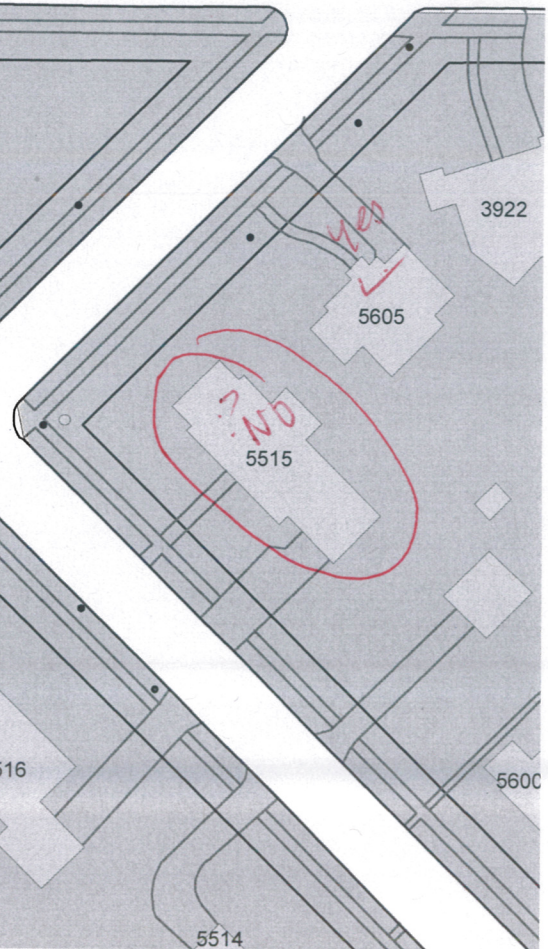
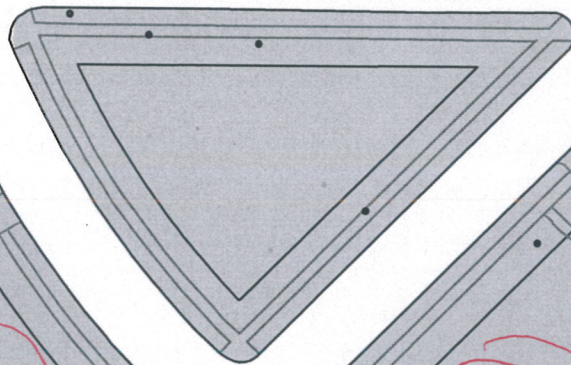
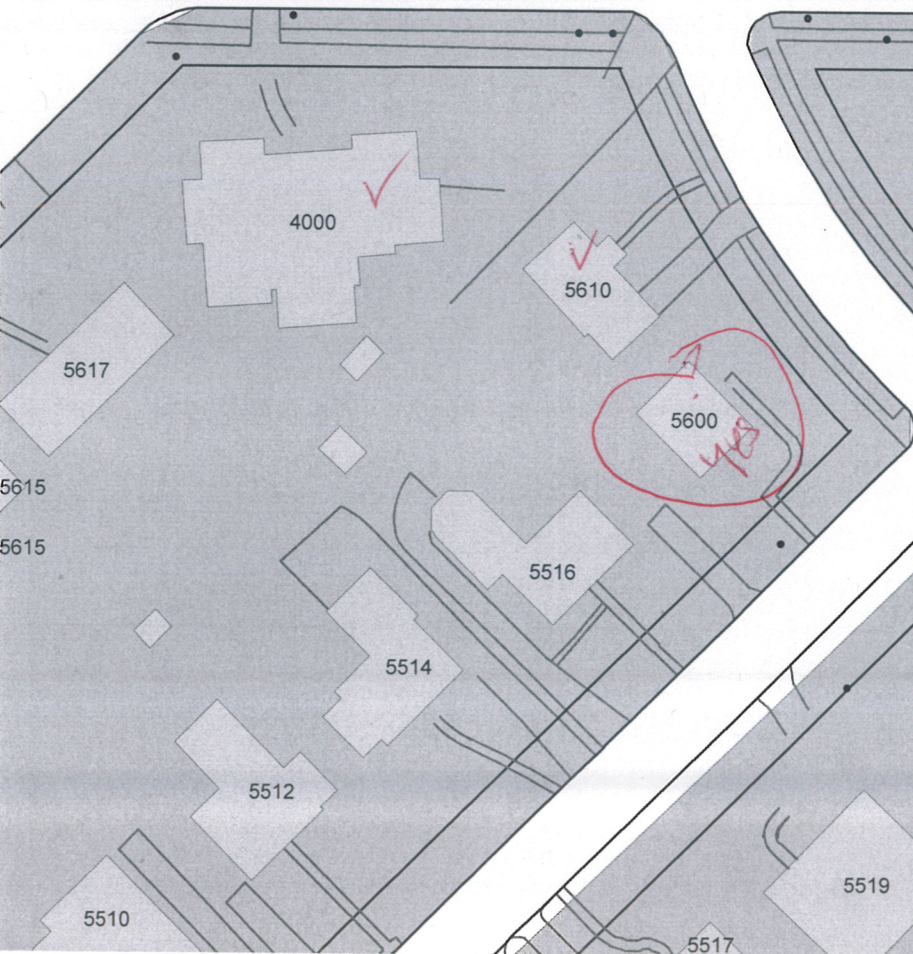
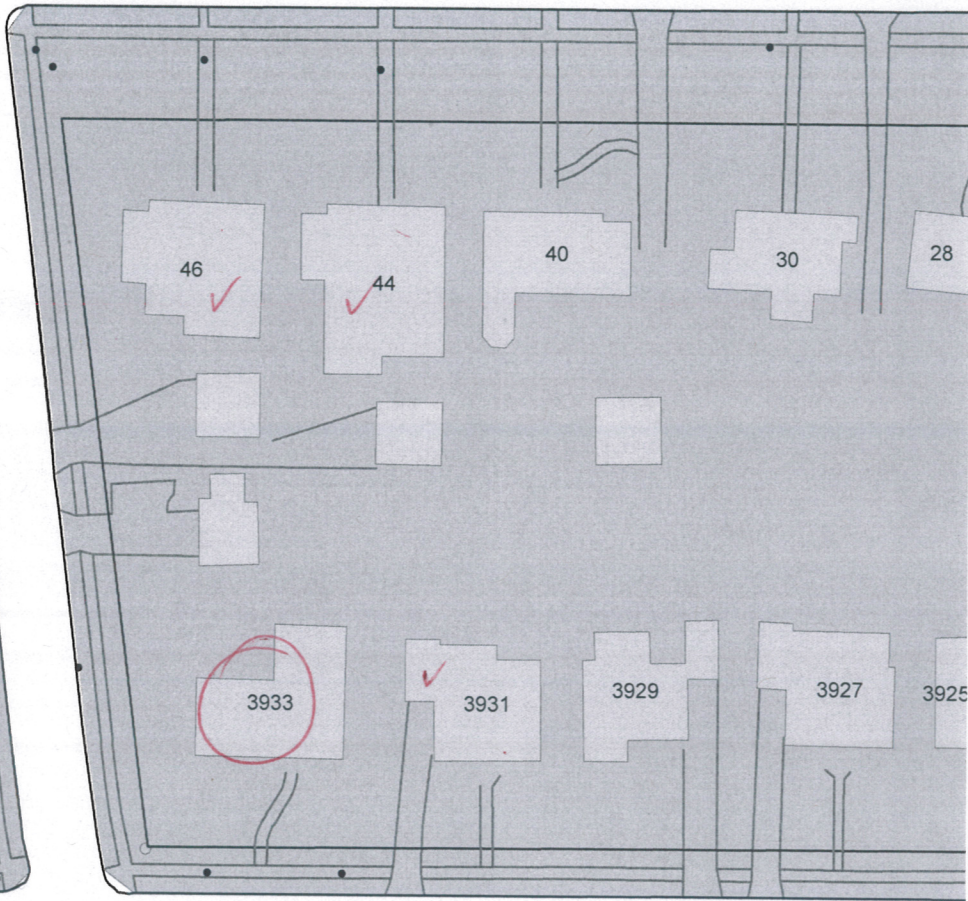
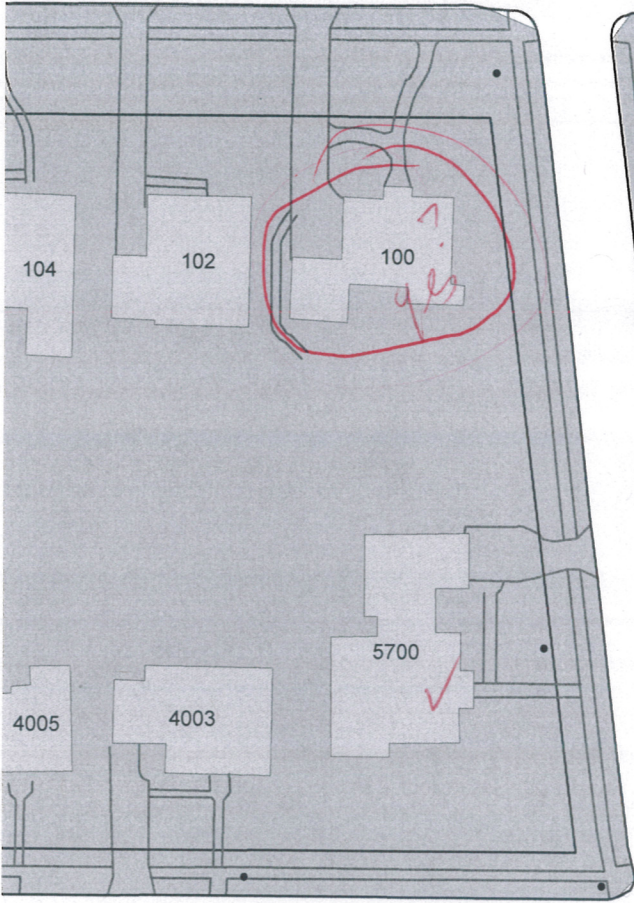
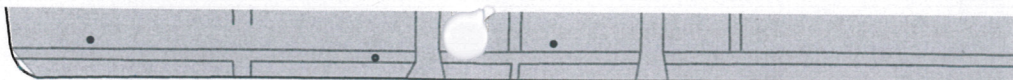
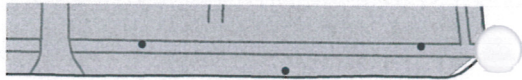
**MS. MINH LE &
MR. CHRIS DYMOND
3933 OLIVER STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Ms. Doris M. Kafka & Mr. Robert Axelrod Or Current Resident 44 Grafton Street Chevy Chase, MD 20815	Mr. & Mrs. Lawrence C. Heilman Or Current Resident 46 Grafton Street Chevy Chase, MD 20815
Ms. May Day Taylor Or Current Resident 100 Grafton Street Chevy Chase, MD 20815	Mr. & Mrs. John Sanders Or Current Resident 5700 Cedar Parkway Chevy Chase, MD 20815
Mr. & Mrs. Wendell P. Holmes, III Or Current Resident 4000 Oliver Street Chevy Chase, MD 20815	Ms. Emily Donahue Or Current Resident 3931 Oliver Street Chevy Chase, MD 20815
Ms. Rose Marie Petrucelli Or Current Resident 5600 Cedar Parkway Chevy Chase, MD 20815	Mr. & Mrs. Chris Tongberg Or Current Resident 5605 Center Street Chevy Chase, MD 20815
Mr. & Mrs. Louis J. Morsberger Or Current Resident 5610 Cedar Parkway Chevy Chase, MD 20815	

CS

I hereby certify that a public notice was mailed to the aforementioned property owners on the 7th day of March 2013.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**





March 7, 2013

Ms. Minh Le &
Mr. Chris Dymond
3933 Oliver Street
Chevy Chase, MD 20815

Dear Ms. Le & Mr. Dymond:

Please note that your request for a special permit to replace the driveway both on your private property and in the Cedar Parkway public right-of-way abutting your property are scheduled before the Board of Managers on Monday, March 18, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

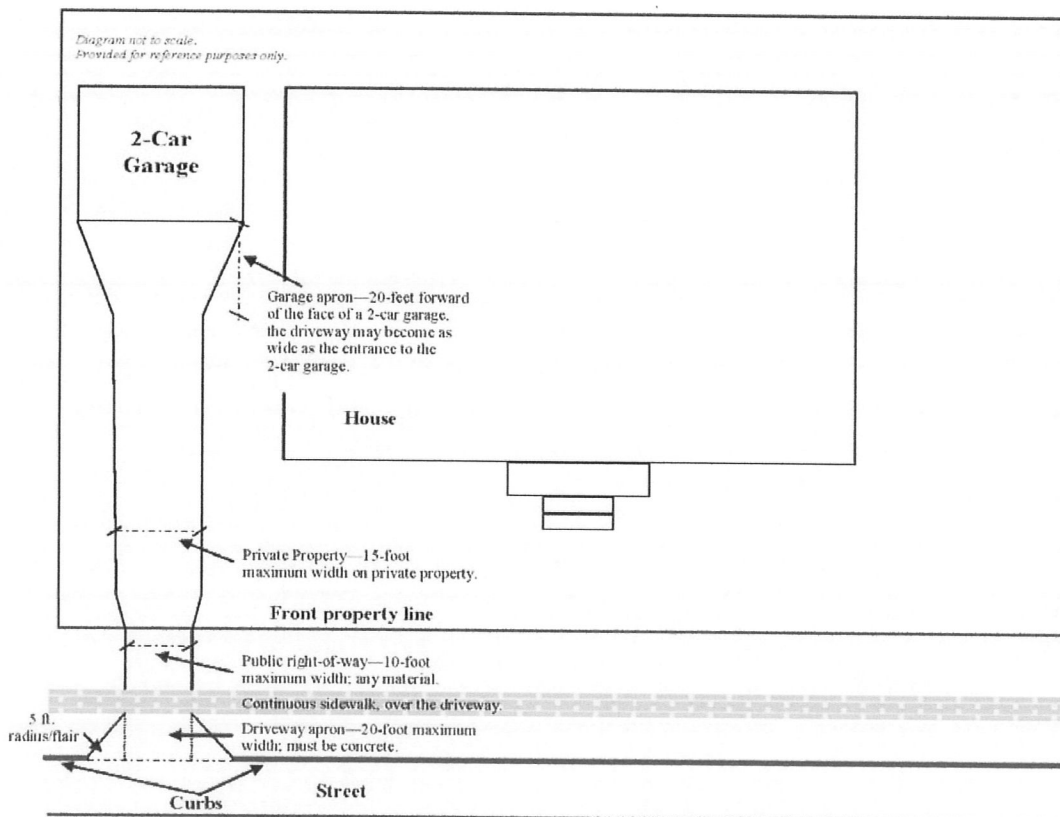
Enclosures

Chevy Chase Village
Building Permit Application for
Driveways and Other Features at Grade

Permit No: A-6285

Property Address: <u>3933 Oliver St.</u>	
Resident Name: <u>Minh Le & Chris Dymond</u>	
Daytime telephone: <u>301-652-9150</u>	Cell phone: <u>202-491-8049</u>
After-hours telephone: <u>"</u>	
E-mail: <u>minh3933@gmail.com</u>	
Primary Contact for Project: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
Primary Contact Information: Name: <u>same as above</u> Daytime telephone: After-hours telephone: E-mail:	
Check all that apply: <input checked="" type="checkbox"/> Driveway (If a new curb cut is required, note additional fee.) <input checked="" type="checkbox"/> Walkway <input checked="" type="checkbox"/> Patio, terrace, or deck at grade	
Check all appropriate boxes: Feature is: <input type="checkbox"/> new; <input type="checkbox"/> an enlargement of an existing feature; and/or <input type="checkbox"/> being relocated. <input checked="" type="checkbox"/> Feature is a replacement in-kind and in the same location.	
Description of project: <u>Install pavers to replace existing patio, walkway and driveway.</u>	
To be completed by Village staff: Is this property within the historic district? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Staff Initials: <u>JB</u> Date application filed with Village: <u>2/7/13</u> Date permit issued: _____ Expiration date: _____	

Example:



Building Permit Application Filing Requirements

Application will not be reviewed until the application is complete

- ☐ Copy of stamped approved plans from Montgomery County.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of existing and proposed features.
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days. If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed. No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature:

Date: 2/7/13

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager <div style="border: 2px solid black; padding: 10px; text-align: center;"> DENIED FEB 11 2013 Chevy Chase Village Manager </div>	Application denied for the following reasons:

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Filing Fee: <input checked="" type="checkbox"/> \$30.00 (if new, enlarged or relocated) <input checked="" type="checkbox"/> \$15.00 (if a replacement in-kind and in the same location) <input type="checkbox"/> \$50.00 for new curb cut. <input type="checkbox"/> \$50.00 for construction in the Public Right-of-Way.	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project <i>previously assessed</i>	
TOTAL Fees: <i>\$30.00</i> <i>check #1670</i>	
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:

For Village Staff use:

Field file for inspections by Code Enforcement Officer has been created: ☐ Yes (Date: _____)

Chevy Chase Village

RECEIVED FEB 11 2013

Application for a Special Permit

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Subject Property:	3933 Oliver St.		
Describe the Proposed Project:	Replace gravel on existing driveway with paver stone.		
Applicant Name(s) (List all property owners):	Minh Le & Chris Dymond		
Daytime telephone:	301-652-9150	Cell:	202-491-8049
E-mail:	minh3933@gmail.com		
Address (if different from property address):	Same		
For Village staff use:			
Date this form received:	2/11/13	Special Permit No:	A-6285

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed *Chevy Chase Village Application for a Special Permit* (this form)
- ☐ Completed *Chevy Chase Village Building Permit Application*
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Applicable special permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: _____

Date: 2/7/13

Applicant's Signature: _____

Date: 2/7/13

Describe the basis for the special permit request (attach additional pages as needed):

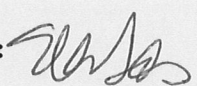
Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

The paver stones will simply replace the existing gravel which would actually make the driveway safer than it currently is. There's less of a chance of getting hurt with and on the gravel than pavers.

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

Because the driveway is already being used w/ gravel, it doesn't change the nature of its use. Therefore, there is no substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code.

In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Special Permit Filing Fees	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. Fee Paid: \$150. check # 1673	Date Paid: 2/11/13 Staff Signature: 
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager

2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of origin.

1. Flood zone "C" per H.U.D. panel
No. 0175C.

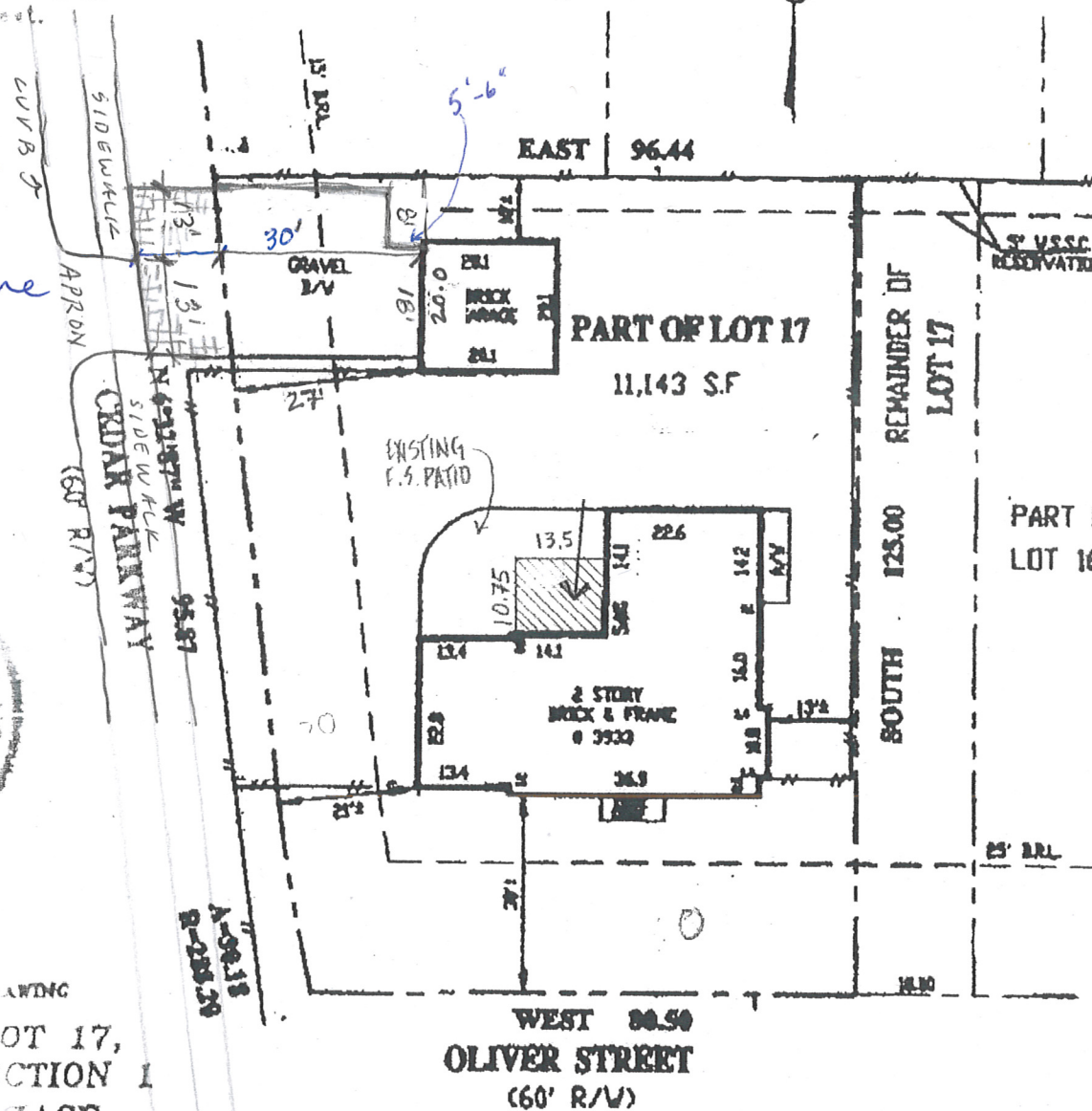
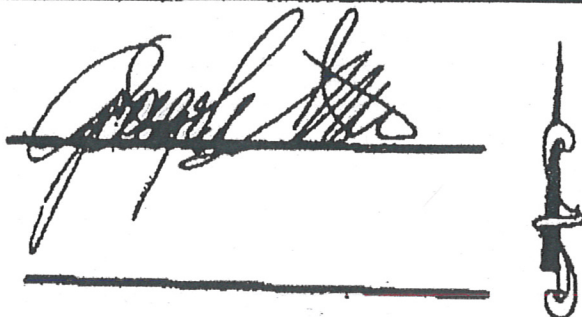
2. Setback distances as shown to the principal structures from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 5 feet.

Replace gravel
w/ permeable
pavers in same
location.



PART OF LOT 17,
 BLOCK 3, SECTION 1
 CANY CHASE

MONTGOMERY COUNTY, MARYLAND



RSU OFFICIALS

THE BUILDING HAS BEEN
BASED UPON
PURSUANT TO
STRUCTURES
UPON REASON
OR FROM EVIDENCE

REFERENCES

FLAT BK. 4
FLAT NO. 312



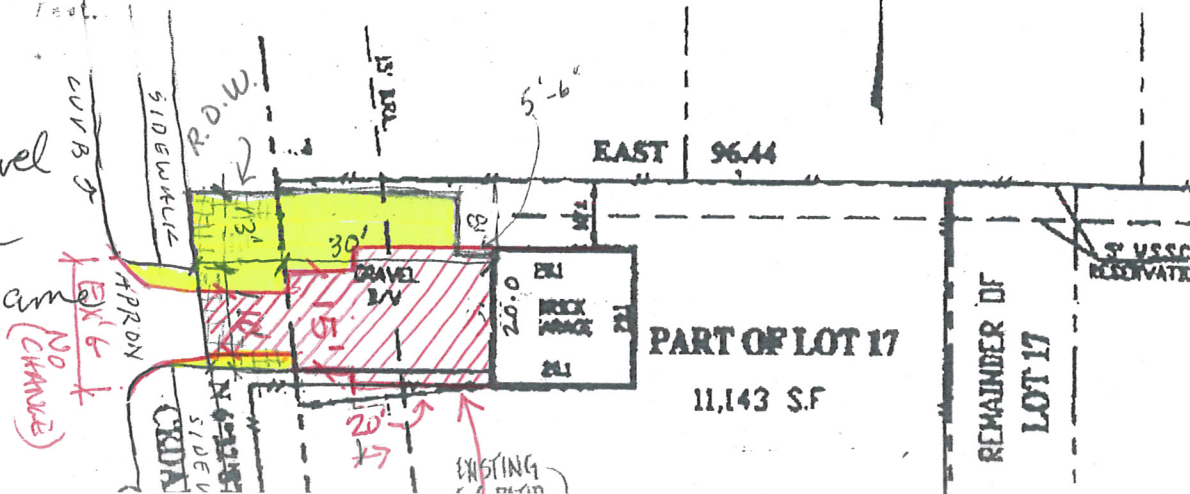
SNIDER & ASSOCIATES
SURVEYORS - ENGINEERS
LAND PLANNING CONSULTANTS
2 Professional Drive, Suite
Cathetersburg, Maryland 20611
301/944-8100 Fax 301/944-8101

DATE OF LOCATIONS

SCALE: 1" = 30'

2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.

Replace gravel w/ permeable pavers in same location.



Red indicates allowable widths and length

Yellow indicates portion of the driveway that is non-compliant.

(Prepared by Staff)

See standard allowable driveway

